

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 10788

PERMIT 6310

LICENSE 3281

ORDER CORRECTING THE DESCRIPTION OF THE  
POINT OF DIVERSION AND PLACE OF USE

WHEREAS:

1. License 3281 was issued to Claire H. Epperson and Byrd E. Epperson and was filed with the County Recorder of Sutter County on November 2, 1951.
2. License 3281 was subsequently assigned to the Trust of Byrd Epperson.
3. A inspection was made on October 17, 1985 and it was determined that the description of the point of diversion and place of use should be corrected. This correction is needed to make the description of the place of use agree with the current map and by other applications with the same licensee.
4. The State Water Resources Control Board has determined that said correction in the description of the point of diversion and place of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion under License 3281 is described as follows:

North 72°11'36" West, 4,875.76 feet from SE corner of projected Section 20, T15N, R2E, MDB&M, being within NW¼ of SW¼ of said Section 20.

2. The place of use under License 3281 is described as follows:

3.7 acres within NE¼ of SE¼ of projected Section 19, T15N, R2E, MDB&M  
37.5 acres within NW¼ of SW¼ of projected Section 20, T15N, R2E, MDB&M  
39.7 acres within NE¼ of SW¼ of projected Section 20, T15N, R2E, MDB&M  
16.8 acres within SW¼ of SW¼ of projected Section 20, T15N, R2E, MDB&M  
38.9 acres within SE¼ of SW¼ of projected Section 20, T15N, R2E, MDB&M  
39.3 acres within NW¼ of SE¼ of projected Section 20, T15N, R2E, MDB&M  
39.1 acres within SW¼ of SE¼ of projected Section 20, T15N, R2E, MDB&M

215 acres total, as shown on map on file with State Water Resources Control Board.

3. The paragraph pertaining to the continuing authority of the Board is replaced with the following:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights privileges under this license are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: AUGUST 18 1986

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**  
**ORDER**

Application 10788 Permit 6310 License 3281

**ORDER APPROVING CHANGE TO THE POINT OF DIVERSION  
AND AMENDING THE LICENSE**

**WHEREAS:**

1. License 3281 was issued to Claire H. Epperson and Byrd E. Epperson, and was recorded with the County Recorder of Sutter County on November 2, 1952.
2. License 3281 was subsequently assigned to Trust of Byrd E. Epperson, et al. on November 11, 1994.
3. A complaint was filed on May 30, 1995 with the State Water Resources Control Board (SWRCB) for the unauthorized movement upstream of the licensee's point of diversion.
4. A petition to change the point of diversion on Poodle Creek tributary to East Borrow Pit of Sutter Bypass was filed with the SWRCB and the SWRCB has determined that good cause for such changes have been shown. The complaint against the licensee was closed following receipt of the petition for change.
5. License 3281 was subsequently assigned to Kelly and Jackie Bumpus.
6. The SWRCB has determined that the petition to change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

**NOW, THEREFORE, IT IS ORDERED THAT:**

Point of Diversion under this license be amended to read:

North 64° 33' 27" West, 6,272.67 feet from the SE corner of projected Section 20, T15N, R2W, MDB&M, being within the NE¼ of SE¼ of projected Section 19, T15N, R2W, MDB&M.

Dated: **JULY 1 1997**

*to: Roger [Signature]*  
Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 10788

PERMIT 6310

LICENSE 3281

THIS IS TO CERTIFY, That **Claire H. Epperson and Byrd E. Epperson**  
**Sutter, California**

have made proof as of **October 13, 1949**

Notice of Change (1949)

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**Poodle Creek in Sutter County**

tributary to **Sutter By-pass**

for the purpose of **irrigation use**  
under Permit **6310** of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from **March 20, 1944;**  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **three (3) cubic feet per second**  
to be diverted from about **April 1** to about **October 1** of each year.

The equivalent of such continuous flow allowance for any thirty day period may  
be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located **North seventy-two degrees fifty-four**  
**minutes West four thousand eight hundred three and two tenths (4803.2) feet** from  
the SE corner of Section 20, T 15 N, R 2 E, M.D.B.&M., being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$   
of said Section 20.

A description of the lands or the place where such water is put to beneficial use is as follows: **160 acres**  
within SW $\frac{1}{4}$  and 80 acres within W $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 20, T 15 N, R 2 E, M.D.B.&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance  
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or  
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion  
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

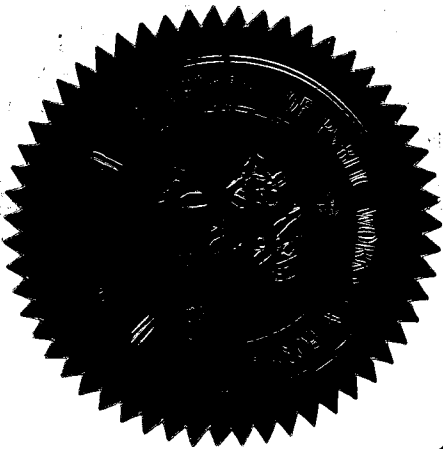
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 19th  
day of November, 1951



*A. D. Edmonston*  
A. D. EDMONSTON, State Engineer

*10-12-71 Name changed to Estate  
of Byrd E. Epperson*  
*7-9-74 Records changed to show Claire  
H. Epperson + Trust of Byrd E.  
Epperson as owners*  
*8-11-86 Ownership Chg'd to Trust of Byrd Epperson, Gordon K.  
Epperson, Trustee + Harriet Wertsch*

LICENSE 3261

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO *Claire E. Epperson and*

*Byrd E. Epperson*

NOV 19 1951

DATED

46807 7-51 3M STATE PRINTING OFFICE